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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,318	07/31/2000	John D. Ah Sue	CISCO-2707	4368
7590	04/06/2004		EXAMINER	
David B Ritchie D'Alessandro & Ritchie P O Box 640640 San Jose, CA 95164-0640			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	?
DATE MAILED: 04/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/629,318	AH SUE, JOHN D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thien D Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 January 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being participated by Chiu et al (U.S Patent No. 6,597,689 B1).

Regarding claims 1, 15, 16, Chiu discloses a method for auto-configuring a Permanent Virtual Circuit (PVC) of a customer premises equipment device over an Asynchronous Transfer Mode (ATM) network, col.7 lines 45-50, said method comprising:

receiving a plurality of ATM cells from a IMAS (digital subscriber line access multiplexer), col.16 lines 40-45;

checking values of VPI and VCI from ATM cells (OAM) cell, the cell allowing the PVC line to be configured as SVC circuit (auto-configuring a Permanent Virtual Circuit) by obtaining a Virtual Path Identifier (VPI) and a Virtual Circuit Identifier (VCI) from said cell (col.17 lines 40-65);

configuring the PVC by obtaining said VPI and said VCI from a first ATM cell; and linking the PVC to a protocol, said protocol being applicable to DSL, col.25 lines 10-30.

Regarding claims 2, 9, Chiu discloses ATM cell further includes a header and a payload, said header comprising a VPI and a VCI (col.17 lines 10-15).

Regarding claim 3, 10, Chiu discloses that OAM cell is used for exchanging control and maintaining the ATM network running (col.28 lines 35-40).

Regarding claims 4, 11, 14, 17, Chiu discloses that first ATM cell is determined by measuring an elapse time between a previous ATM cell and said first ATM cell (col.41 lines 20-60).

Regarding claims 5, 7, 18, 20, Chiu discloses that protocol further includes Point-to-Point Protocol (PPP) interface or Request-For-Comments (RFC) bridge interface (col.60 lines 55-65).

Regarding claims 6, 12, 19, Chiu discloses that receiving a plurality of messages from an aggregate router, said plurality of messages being a plurality of Link Control Protocol (LCP) configuration requests or a plurality of Bridge Protocol Data Unit (BPDU) spanning tree messages (col.84 lines 15-45).

Regarding claims 8, 13, Chiu discloses an Asynchronous Transfer Mode (ATM) communications system comprising: a digital subscriber line access module receiving said plurality of ATM cells; and

a customer premises equipment device having a mechanism which auto-configures a Permanent Virtual Circuit (PVC), said mechanism receiving an ATM cell, said mechanism checking said ATM cell for an Operation and Maintenance (OAM) cell, said OAM cell allowing configuring said PVC by reading a Virtual Path Identifier (VPI) and a Virtual Channel Identifier (VCI) from said OAM, said mechanism linking said PVC to a Point-to-Point Protocol interface or an RFC 1483 bridge interface (col.28 lines 35-60).

### ***Response to Arguments***

3. Applicant's arguments filed 01/20/2004 have been fully considered but they are not persuasive.

Applicant argues that Chiu does not disclose a method for auto-configuring a permanent virtual circuit. However, according to the application pages 4 and 11, applicant invention is to have a PVC circuit connection between a CPE device 400 and a DSLAM 402 being modified to become a more dynamical way in creating the circuit connection based on variable values of VPI and VCI that are auto-configured from the DSLAM just like the configuring circuit connection of SVC instead of statically values assigned in the circuit connection of PVC for an untimely manner at a network management system or an ISP. With the above collaboration of the feature of PVC

auto-configuration, Examiner respectfully disagrees with the argument because Chiu discloses a method to support a circuit connection of SVC through a PVC line by having configuring VPI and VCI values at an IMAS to establish to connection when a user 173 sending the request without entering VPI and VCI (auto-configuring the PVC circuit line for becoming SVC circuit line) in a local loop (connection between CPE and DSLAM), col.8 lines 10-20 and col.17 lines 40-45.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

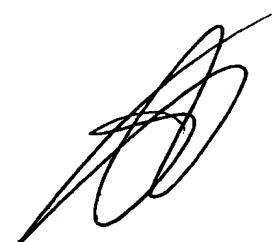
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN H. D. NGUYEN  
PRIMARY EXAMINER